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Title: AN ORDINANCE AMENDING TITLE XI, FIRE PREVENTION CODE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY INCREASING FEES FOR CERTAIN PERMITS AND INSPECTIONS
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| 2/4/2015 | 1 | Municipal Council | Adopt on First Reading | Pass |
| 1/21/2015 | 1 | Municipal Council | Advance to First Reading | Pass |

AN ORDINANCE AMENDING TITLE XI, FIRE PREVENTION CODE, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY INCREASING FEES FOR CERTAIN PERMITS AND INSPECTIONS

WHEREAS, the Uniform Fire Safety Act, P.L. 1983, c.383, was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

WHEREAS, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of the minimum fire safety standards established by the Uniform Fire Safety Act; and

WHEREAS, the City of Newark previously authorized the Newark Fire Department to enforce fire safety standards, and further authorized for the charges of certain fees for the processing of applications and the performance of associated inspections; and

WHEREAS, the City has not adjusted the fees for such applications and inspections since 1988; and

WHEREAS, the cost of processing applications and performing inspections associated with the enforcement of fire safety standards have increased over the past twenty-six (26) years and the proposed fee adjustments listed below represent rates that more closely correspond with rates in other, similarly-situated urban areas.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

SECTION 1: Title XI (“Fire Prevention Code”), Chapter 1 (“New Jersey Uniform Fire Safety Code Enforcement Agency, Amendments to Code”), Section 11:1-9 (“Permits; Inspection Fees”) of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is hereby deleted in its entirety and replaced with the following:

11:1-9. PERMITS; INSPECTION FEES.

a. All permits expire one (1) year from date of issue, unless otherwise stated. Permits are nontransferable. Any change in use or occupancy shall require a new permit.

b. In addition to the inspection and fees required pursuant to the Uniform Fire Safety Act and the regulations of the Department of Community Affairs, the following permits and fees shall be required:

1. Bowling establishments.
(Including storage of combustibles on premises)..... \$170.00

2. Calcium carbide
1 to 1,000 lbs..... \$100.00
Over 1,000 lbs..... \$300.00

3. Combustible or flammable liquids, solvents, etc.,
for storage and resale
Up to 660 gallons..... \$100.00

4. Drug and chemical establishments (including storage of combustibles
on premises)
Drug stores (retail)..... \$75.00
Drug and chemical supply warehouse..... \$400.00
Drug and chemical manufacture..... \$400.00

5. Fats and oil (edible) up to 660 gals.
Storage and use..... \$75.00

6. Storage of Combustible Materials
Ordinary combustibles in retail store, mercantile stores,
drug stores, storage facilities (warehouses), etc.
Up to 2,500 sq. ft..... \$50.00
2,500 sq. ft. to 5,000 sq. ft..... \$100.00
5,001 sq. ft. to 10,000 sq. ft..... \$150.00
Over 10,001 sq. ft. \$200.00

7. Parking stations and automobile sales site (open air)
Capacity: 1 to 25 cars or trucks..... \$75.00
Capacity: 25 to 100 cars or trucks..... \$100.00
Capacity: 101 to 200 cars or trucks..... \$150.00
Capacity: 201 to 225 cars or trucks..... \$200.00
Capacity: 226 to 300 cars or trucks..... \$250.00
Capacity: 301 or more cars or trucks..... \$300.00 plus
an additional \$50.00 for each additional
100 cars or trucks beyond 300.

8. Portable, flammable and combustible liquid tanks
(drums) up to 600 gallons..... \$50.00

- 9. Plastics (Vinyl chloride, polyurethane, acrylics, etc.)
 Processing or manufacture or storage.
 Up to 5,000 lbs..... \$100.00 Over 5,000
 lbs..... \$300.00

- 10. (a) Mobile units utilizing liquefied petroleum gases in containers
 - (1) Mobile cooking units
 - a. Up to 85 lbs..... \$75.00
 - b. 85 lbs to 180 lbs. \$150.00
 - (2) Tar Kettles (per kettle)
 - a. Up to 180 lbs..... \$150.00
 - b. 180 up to 280 lbs..... \$340.00
 - c. Over 300 lbs..... \$500.00
- (b) Mobile units not utilizing liquefied petroleum gases used for cooking or heating of food,
 etc.....\$50.00

- 11. Storage or use of liquefied petroleum gases in containers
 - (a) 5 lbs. to 20 lbs..... \$50.00
 - (b) 20 lbs to 100 lbs..... \$100.00
 - (c) 100 lbs to 200 lbs..... \$150.00
 - (d) 200 lbs to 300 lbs..... \$300.00
 - (e) over 300 lbs..... \$500.00

- 12. Storage of highly toxic materials
 - (a) up to 1 gallon or 4 liters of liquid..... \$100.00
 - (b) up to 1 lb. of solid (poisonous or toxic material)..... \$100.00
 - (c) over 1 gallon or 4 liters up to
 10 gallons or 40 liters of liquid..... \$300.00
 - (d) over 1 lb. up to 10 lb. of solid
 (poisonous or toxic material)..... \$300.00
 - (e) over 10 gallons or 40 liters of liquid..... \$500.00
 - (f) over 10 lbs solid (poisonous or toxic material)..... \$500.00

- 13. Storage of poisonous gases in any amount..... \$500.00

- 14. Duplicate copy of photographs..... \$ 10.00

- 15. Duplicate copy of fire report..... \$ 10.00

- 16. Written verification of fire (for tax purposes, etc.)..... \$ 5.00

- 17. Bonfires..... \$ 50.00

- 18. The use of a torch or flame producing device to remove paint
 from a seal membrane roofs, on any building or structure...\$ 50.00

- 19. Public assemblies with tents in any dimension larger than

- 5,000 sq. ft.
- (a) Tent 5,000 sq. ft. to 10,000 sq. ft..... \$100.00
- (b) Tents exceeding 10,000 sq. ft. in area..... \$200.00

- 20. Individual portable kiosks or displays when erected in a covered mall for a period of less than 90 days, using 25 percent or less of the common area..... \$170.00

- 21. The use of any open flame or flame producing device, in connection with any public gathering, for purposes of entertainment, amusement, or recreation in places of public assembly..... \$170.00

- 22. Welding or cutting operations except where the welding or cutting is performed in areas approved for welding by the Fire Official and is registered as Type B Life Hazard Use..... \$170.00

- 23. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194... \$500.00

- 24. Helistops..... \$200.00

- 25. The occasional use in any buildings of a multipurpose room, with a maximum permitted occupancy of 100 or more for amusement, entertainment or mercantile type purposes..... \$100.00

- 26. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials....\$170.00

- 27. Fumigation or Thermal insecticide fogging..... \$170.00

- 28. Membrane covered, cable and air supported structures covering an area in excess 120 square feet erected for a period of less than 90 days..... \$100.00

- 29. Carnivals and circuses..... \$500.00
- Street fair..... \$500.00
- Street festival..... \$170.00

- 30. The use of a covered mall in any of the following manners:
 - (a) Placing constructing temporary kiosks, display booths, concession equipment or the like in more than 25 percent of the common area of the mall..... \$170.00
 - (b) Temporarily using the mall as a place of assembly... \$170.00
 - (c) Using open flame or flame devices..... \$170.00
 - (d) Displaying liquid or gas fueled powered equipment . \$170.00
 - (e) Using liquefied petroleum gas, liquefied natural gas, and compressed flammable gas in containers exceeding 5 pound capacity..... \$170.00

- 31. Industrial processing oven or furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400 degrees Fahrenheit which are heated with oil or gas fuel or which contain flammable vapors from the product being processed . \$340.00

- 32. Wrecking yard or junk yard..... \$340.00
- 33. Storage or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas..... \$500.00
- 34. The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of non-flammable, nontoxic cryogenic liquids..... \$500.00
- 35. The storage, handling, and processing of flammable, combustible, and unstable liquids in containers and portable tanks as required by N.J.A.C. 5:70 sub-chapter 3..... \$500.00
- 36. To store or handle (except medicines, beverages, food-stuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices)
 - (a) More than 55 gallons of corrosive liquids..... \$500.00
 - (b) More than 500 pounds of oxidizing materials..... \$500.00
 - (c) More than 10 pounds of organic peroxides..... \$500.00
 - (d) More than 500 pounds of nitromethane..... \$500.00
 - (e) More than 1,000 pounds of ammonium nitrate..... \$500.00
 - (f) More than one microcurie of radium not contained in a sealed source..... \$500.00
 - (g) More than one millicurie of radium or other radiation material in a sealed source or sources..... \$500.00
 - (h) Any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required..... \$500.00
 - (i) More than 10 pounds of flammable solids..... \$500.00
- 37. Any installation of liquefied petroleum gas or liquefied natural gas utilizing storage containers of over 2,000 gallons individual water capacity or with an aggregate water capacity exceeding 4,000 gallons.....\$500.00
- 38. The melting, casting, heat treating, machining or grinding of more than 10 pounds of magnesium per working day.....\$500.00
- 39. Heliports.....\$500.00
- 40. Airports.....\$1,000.00
- 41. Fireworks..... \$500.00

The completed application shall be submitted (45 days prior to the event or a late filing charge shall be assessed as follows:

- (a) 31 to 44 days prior to the event..... \$ 50.00
- (b) 16 to 30 days prior to the event..... \$100.00
- (c) 10 to 15 days prior to the event..... \$150.00
- (d) Less than 10 days prior to the event..... \$250.00

The following shall be submitted with the application for a firework permit:

- (1) Site plan
- (2) A surety in the form of certified check or money order payable to the Newark Fire Department in the sum of (\$2,500.00) conditioned for payment of all damages to persons or property by reason of the display.
- (3) Certification of insurance naming the City of Newark as co-insured stating that the insured shall indemnify the City of Newark and hold the City of Newark harmless in the amount of one million (\$1,000,000.00) dollars.
- (4) A copy of the fireworks vendor's "Permit to Manufacture Explosives" and/or "Permit to Use Explosives"

This paragraph b, 41. is not intended to replace the requirements of Section 11:3-4. In case of any inconsistencies the requirements of Section 11:3-4 are controlling.

42. As per N.J.A.C. 5:70-2.7 upon request of the owner or bonafide purchaser of a building or structure, the Fire Department shall issue a certificate of fire code status either enumerating the violations indicated by its records, or stating that its records indicate that no violations remain unabated and no penalties or fees remain unpaid. A purchaser of a property not having obtained a certificate stating that there are no unabated violations of record and no unpaid fees or penalties shall be deemed to have notice of all violations of record and shall be liable for the payment of all unpaid fees or penalties. The fee for the certificate of fire code status shall be fifty (\$50.00) dollars.

c. Any premise that is registered as a life hazard use, in accordance with subchapter 2 of the New Jersey Uniform Fire Code, shall not require storage type permits.

SECTION 2: Any existing ordinances or parts thereof inconsistent with this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon final passage and publication, and in accordance with the laws of the State of New Jersey.

STATEMENT

The purpose of this ordinance is to increase the fees for the processing of applications, and associated inspections, needed to enforce the standards of the Uniform Fire Safety Act. These fee increases are necessary because the costs of processing applications and performing inspections associated with the enforcement of fire safety standards have increased and the City has not adjusted its rates since 1988.